



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Beckwith et al.

Serial No.: 09/679,705

Filed: October 5, 2000

For: *Compositions and methods for Production of Disulfide Bond Containing Proteins in Host Cells*

Examiner: B. Loeb

Group Art Unit: 1636

Docket No.: HMV-52.01

TECH CENTER 1600/2900

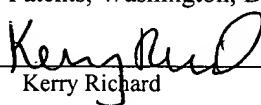
Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date indicated below:

January 29, 2003

Date of Signature and Mail Deposit

By: 
Kerry Richard

DECLARATION REGARDING DEPOSIT

OF BIOLOGICAL MATERIALS

Sir:

I, Jennifer K. Holmes, DO HEREBY DECLARE AND SAY:

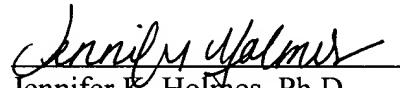
1. I am a patent agent employed by the law firm of Foley Hoag LLP, having its principal place of business at 155 Seaport Boulevard, Boston, MA 02110-2600. My firm represents Harvard Medical School before the U.S. Patent & Trademark Office, in the above-referenced patent application.
2. That strains FA112 ((DHB4 *gshA20::Tn10Km trx B::Km...Tn10 supp*) and FA113 (DHB4 *gor522...mini-Tn10Tc trx B::Km supp*) disclosed and claimed in this application were deposited with the American Type Culture Collection (ATCC), 10801 University Blvd, Manassas, VA 20110-2209, on November 11, 1999, under Accession Numbers PTA-938 (FA112) and PTA-939 (FA113), respectively, to assure availability of the biological materials to the public.
3. The ATCC has acquired the status of an International Depository Authority within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

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4. The above mentioned biological material has been deposited under conditions which insure that access to the cultures will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122.
5. That no later than issuance of a patent on the above-identified patent application, Biomedical Research Institute, will irrevocably remove any restrictions as to public availability of each biological material deposit, and will replace the same biological material deposit should it become non-viable, during the period that extends thirty (30) years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five (5) years after the last public request for the deposit, whichever period is longest.
6. I further declare that all statements made herein of my known own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
FOLEY HOAG LLP


Jennifer R. Holmes, Ph.D.
Reg. No. 46,778
Agent for Applicants

Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02110-2600
Tel: (617) 832-1000
FAX: (617) 832-7000

Dated: January 29, 2003